

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THORSTEN BUSCH,

Plaintiff,

v.

AIRBUS AMERICAS, INC,  
AIRBUS S.A.S.,

Defendants.

Case No. 1:22-cv-06967-JHR

**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE IN THE  
APPOINTMENT OF A COMMISSIONER AND DATA PRIVACY MONITOR  
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING  
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/11/2023

A request is hereby made by the United States District Court for the Southern District of New York, at 500 Pearl Street, New York, New York 10007, UNITED STATES OF AMERICA, to the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, département de l'entraide, du droit international privé et européen (DEDIPE), 13, Place Vendôme, 75042 Paris Cedex 01, FRANCE, for assistance in obtaining document and information discovery from Airbus S.A.S., a defendant in the above-captioned civil action. This request is made pursuant to Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Evidence Convention").

- |  |  |
|--|--|
| 1. Sender  | The Honorable Jennifer H. Rearden<br>United States District Judge<br>United States District Court<br>Southern District of New York<br>500 Pearl St.<br>New York, NY 10007-1312<br>UNITED STATES OF AMERICA   |
| 2. Central Authority of the Requested State              | Ministère de la Justice<br>Département de l'entraide, du droit international privé et européen<br>13, Place Vendôme<br>75042 Paris Cedex 01<br>FRANCE  |
| 3. Person to whom the executed request is to be returned | Christopher M. Odell<br>Arnold & Porter Kaye Scholer LLP<br>700 Louisiana Street, Suite 4000<br>Houston, TX 77002-2755<br><br>Airbus S.A.S. also designates the appointed Commissioner, Alexander Blumrosen, to accept service of the Hague Evidence Convention authorization and notifications from the French governmental authorities related to the Hague Evidence Convention proceedings on Airbus S.A.S.'s behalf. The Commissioner shall transmit such authorization and notifications to counsel for Airbus S.A.S. |

In conformity with Chapter II, Article 17 of the Hague Evidence Convention, the United States District Court for the Southern District of New York presents its compliments to the Ministère de la Justice and has the honor to submit the following request:

- |   |   |
|---|---|
| 4. Specification of the date by which the requesting authority requires receipt of the response to the Request for International Judicial Assistance (“Request for Assistance”) | The requesting authority would greatly appreciate a response to the Request for Assistance within 21 days or as soon as is practicable.   |
| 5. Requesting judicial authority  | United States District Court<br>Southern District of New York<br>500 Pearl St.<br>New York, NY 10007-1312<br>UNITED STATES OF AMERICA   |
| 6. To the competent authority of  | The Republic of France  |
| 7. Name of the case and any identifying number  | <i>Thorsten Busch v. Airbus Americas, Inc., et al.</i> , 1:22-cv-06967-JHR  |
| 8. Name of Plaintiff  | Thorsten Busch  |
| 9. Names and addresses of Plaintiff’s representatives   | <p>Stephen M. Reck<br/>Levin, Rojas, Camassar, and Reck, LLC<br/>P.O. Box 431<br/>North Stonington, CT 06539<br/>(860) 535-4040</p> <p>Samuel Kennedy-Smith<br/>Duddy Goodwin &amp; Pollard<br/>446 Main Street, 16<sup>th</sup> Floor<br/>Worcester, MA, 01608<br/>(617) 861-7974</p> <p>Paul Levin<br/>Law Offices of Paul Levin LLC<br/>40 Russ Street<br/>Hartford, CT 06106<br/>(860) 560-7226</p> |

10. Name of the relevant Defendant Airbus S.A.S.
- Registered Office:  
1, Rond Point Maurice Bellonte  
31707 Blagnac Cedex  
France
11. Name and address of relevant Defendant's representatives
- Christopher M. Odell  
Arnold & Porter Kaye Scholer LLP  
700 Louisiana Street, Suite 4000  
Houston, TX 77002  
T: (713) 576-2400  
F: (713) 576-2499
- Megan L. Pieper  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Ave. NW  
Washington, DC 20001  
T: (202) 942-5000  
F: (202) 942-5999
- Diana Sterk  
Arnold & Porter Kaye Scholer LLP  
250 West 55th Street  
New York, NY 10019  
T: (202) 942-5000  
F: (212) 836-6638
12. Nature and purpose of the proceedings and summary of the facts
- Plaintiff brings a claim for personal injuries based on the alleged negligent design and manufacture of the systems used for air pressurization and conditioning on commercial aircraft. Plaintiff Thorsten Busch was a pilot for JetBlue Airways Corporation. Thorsten Busch alleges personal injuries and related economic losses that he attributes to exposure to "toxic fume events" that allegedly occurred while he was working on certain JetBlue flights in 2019 and 2022. Plaintiff alleges that Defendants designed, manufactured, and sold the aircraft in use on the flights during which Thorsten Busch was allegedly injured.
- On May 19, 2023, Plaintiff Thorsten Busch served on Airbus S.A.S. Plaintiff's First

Requests for the Production of Documents and Plaintiff's First Set of Interrogatories. *See* Exhibits 1 and 2, attached hereto and incorporated herewith. Airbus S.A.S. seeks to voluntarily produce responsive documents and information to the Plaintiff, subject to any objections it is entitled to make under the relevant rules of civil procedure and the orders of this Court. Because Airbus S.A.S. is incorporated and headquartered in France, the documents and other information responsive to Plaintiff's discovery requests are located in France. Such documents and information are protected by the French Blocking Statute, and the parties must utilize the Hague Evidence Convention to obtain the requested documents and information. The District Court therefore requests that Airbus S.A.S. now produce said documents and information through the Commissioner, Alexander Blumrosen, upon obtaining authorization from the French Ministère de la Justice.

13. Evidence to be obtained

The evidence to be obtained consists of documents, electronically-stored information, and other information maintained by Airbus S.A.S. that may be relevant to the claims and defenses in the above-referenced action. Airbus S.A.S. will provide to the Commissioner documents and electronically-stored information for transmission by the Commissioner to counsel for Plaintiff and for Airbus S.A.S.

14. Documents or other property to be inspected

The documents and information to be provided to the Commissioner for production to the requesting party are documents and information located in France that will be produced in response to the Plaintiff's First Requests for the Production of Documents and First Set of Interrogatories.

15. Whether the Plaintiff and relevant Defendant have consented to document discovery

The parties have consented to document discovery.

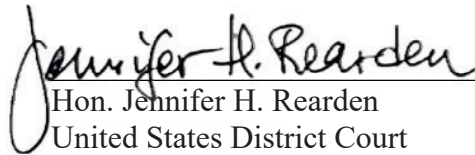
- |   |   |
|---|---|
| 16. Special methods or procedure to be followed   | All documents and information will be produced in accordance with the procedures outlined in the Protective Order, entered on June 12, 2023 [ECF No. 65]. The parties reserve all rights to require productions to conform with the requirements under the Federal Rules of Civil Procedure.  |
| 17. Specification of privilege or duty to refuse to produce documents or information under the law of the State of origin | Neither this Request, nor the transmission of documents or information to the Commissioner, nor any examination of documents or information by the Commissioner, shall constitute or operate as a waiver of any argument, position, objection, allegation, claim, or defense, of any party in the above-captioned action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of France, the United States, or any State within the United States. |
| 18. Summary of complaint  | <i>See</i> Exhibit 4, attached hereto and incorporated herewith.  |
| 19. Summary of defenses   | <i>See</i> Exhibit 5, attached hereto and incorporated herewith.  |
| 20. Authority appointing Commissioner, pending approval of the Ministère de la Justice                                    | United States District Court<br>Southern District of New York<br>500 Pearl St.<br>New York, NY 10007-1312<br>UNITED STATES OF AMERICA   |
| 21. Commissioner  | Alexander Blumrosen<br>Polaris Law<br>4, avenue Hoche<br>75008 Paris, France<br>T: +33 1 43 18 02 60  |
| 22. Costs   | All costs of the Hague Evidence Convention proceeding, including without limitation the fees of the Commissioner, will be borne by Airbus S.A.S., provided that each party will be responsible for the fees and expenses, if  |

any, of its own attorneys relating to any  
Hague Evidence Convention proceedings.

This Court expresses its appreciation to the Ministère de la Justice for its courtesy and  
assistance in this matter.

Dated: New York, New York

\_\_\_\_\_  
July 11, 2023

  
\_\_\_\_\_  
Hon. Jennifer H. Rearden  
United States District Court  
Southern District of New York